

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JAMES KUCZMASKI, et al.,  
Plaintiffs,  
v.  
U.S. FOODSERVICE, INC.,  
Defendant.

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Civil Action No. 2:06-cv-731

**JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENTS**

Plaintiffs James Kuczmaki, Adam Pike, Ryan Phillips, Josh Stone, Suhane Lowery, Kevin Bell, Kevin Moorer, Hamp Crum, III, and Fredrick S. Kuczmaki (collectively “Plaintiffs”) and Defendant U.S. Foodservice, Inc. (“Defendant”), by and through undersigned counsel, hereby file this Joint Motion for Approval of Agreements. Through their Motion, the Parties ask the Court to issue an Order approving their agreements for the compromise and dismissal of this matter, which involves claims brought by Plaintiffs under the Fair Labor Standards Act (the “FLSA”). As grounds for this Motion, the Parties state as follows:

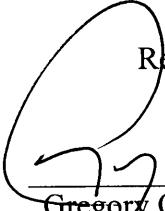
1. On July 10, 2007, the Court entered an Order dismissing this lawsuit in its entirety, with prejudice. [Doc. 38-1.]
2. Filed under seal with this Motion as Confidential Appendices A through I are copies of the fully executed agreements between Plaintiffs and Defendant, which set forth the specific terms of the Parties’ agreements to the compromise and dismissal of this action.
3. As explained by the Eleventh Circuit Court of Appeals in Lynn’s Food

Stores, Inc. v. United States, 679 F.2d 1350, 1353 (11th Cir. 1982), agreements of this nature, which settle claims under the FLSA, are subject to approval by the Court.

4. The Parties, through their respective counsel, represent to the Court that their respective agreements are fair, equitable, and reasonable, and are in compliance with the provisions and policies of the FLSA. Accordingly, the Parties move the Court for approval of the agreements.

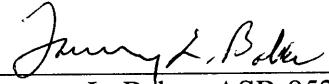
For these reasons, the Parties respectfully ask the Court to enter an Order approving and ratifying the agreements in Appendices A through I.

Respectfully submitted, this 4<sup>th</sup> day of September 2007.

  
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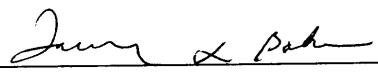
Counsel for Defendant

**CERTIFICATE OF SERVICE**

This is to certify that on September 4, 2007, the undersigned electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following:

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